

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

CARLO CORDOVA
Plaintiff

VS.

ROY PADILLA, Individually & In His
Representative Capacity as Chief of Police for the
DONNA INDEPENDENT SCHOOL DISTRICT,
ELOY INFANTE, Individually & in his
Representative Capacity as a Board Member for
the DONNA INDEPENDENT SCHOOL
DISTRICT, ELPIDIO YANEZ, JR., Individually
& in his Representative Capacity as a Board
Member for the DONNA INDEPENDENT
SCHOOL DISTRICT, ALBERTO SANDOVAL,
Individually & in his Representative Capacity as a
Board Member for the DONNA INDEPENDENT
SCHOOL DISTRICT, DAVID DE LOS RIOS,
Individually & in his Representative Capacity as a
Board Member for the DONNA INDEPENDENT
SCHOOL DISTRICT, ALICIA TAMEZ, the
DONNA INDEPENDENT SCHOOL DISTRICT,
And all Unknown Co-Conspirators
Defendants

CIVIL ACTION NO. 7:17-CV-14
(JURY REQUESTED)

**DEFENDANT, ALICIA TAMEZ' ANSWER TO PLAINTIFF'S ORIGINAL
COMPLAINT SUBJECT TO MOTION TO DISMISS AND MOTION FOR A MORE
DEFINITE STATEMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ALICIA TAMEZ, Defendant in the above-styled and numbered cause,
and file this their Answer to Plaintiff's Complaint Subject to their Partial 12(b)(6) Motions to
Dismiss and would respectfully show the Court the following:

I.

**DEFENDANT'S ANSWER TO PLAINTIFF'S ORIGINAL COMPLAINT
SUBJECT TO MOTIONS TO DISMISS**

1. Defendant denies the allegations in paragraph 1 of Plaintiff's Original Complaint.
2. Defendant denies the allegations in paragraph 2 of Plaintiff's Original Complaint.
3. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 3 of Plaintiff's Original Complaint at this time.
4. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 4 of Plaintiff's Original Complaint at this time.
5. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 5 of Plaintiff's Original Complaint at this time.
6. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 6 of Plaintiff's Original Complaint at this time.
7. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 7 of Plaintiff's Original Complaint at this time.
8. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 8 of Plaintiff's Original Complaint at this time.
9. Defendant admits the allegations in paragraph 9 of Plaintiff's Original Complaint.
10. Defendant admits the allegations in paragraph 10 of Plaintiff's Original Complaint.
11. Defendant admits the allegations in paragraph 11 of Plaintiff's Original Complaint.
12. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 13 of Plaintiff's Original Complaint at this time.
13. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 13 of Plaintiff's Original Complaint at this time.
14. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 14 of Plaintiff's Original Complaint at this time.
15. Defendant admits that Plaintiff was arrested. Defendant lacks knowledge or information sufficient to form a belief about the remaining allegations in paragraph 15 of Plaintiff's Original Complaint at this time.

16. Defendant admits that the grand jury no-billed Plaintiff. Defendant denies the remaining allegations in paragraph 16 of Plaintiff's Original Complaint.
17. Defendants lack knowledge or information sufficient to form a belief about the allegations in paragraph 17 of Plaintiff's Original Complaint at this time.
18. Defendant admits that the student is related to Defendant Tamez. Defendant denies the remaining allegations in paragraph 19 of Plaintiff's Original Complaint.
19. Defendant admits that the student is related to Defendant Tamez. Defendant denies the remaining allegations in paragraph 19 of Plaintiff's Original Complaint.
20. Defendant admits that the student is related to Defendant Tamez. Defendant denies the remaining allegations in paragraph 20 of Plaintiff's Original Complaint.
21. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 21 of Plaintiff's Original Complaint at this time.
22. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 22 of Plaintiff's Original Complaint at this time.
23. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 23 of Plaintiff's Original Complaint at this time.
24. Defendant denies that the actions of Defendants in this matter are egregious and malicious violations of the law. Defendant lacks knowledge or information sufficient to form a belief about the remaining allegations in paragraph 24 of Plaintiff's Original Complaint at this time.
25. Defendant denies the allegations in paragraph 25 of Plaintiff's Original Complaint.
26. Defendant denies the allegations in paragraph 26 of Plaintiff's Original Complaint.
27. Defendant denies the allegations in paragraph 27 of Plaintiff's Original Complaint.
28. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 28 of Plaintiff's Original Complaint at this time.
29. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 29 of Plaintiff's Original Complaint at this time.
30. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 30 of Plaintiff's Original Complaint at this time.
31. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 31 of Plaintiff's Original Complaint at this time.

32. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 32 of Plaintiff's Original Complaint at this time.
33. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 33 of Plaintiff's Original Complaint at this time.
34. Defendant denies any alleged violations of the Texas Penal Code as alleged in paragraph 34. Defendant cannot admit or deny the remaining allegations contained in paragraph 34 of Plaintiff's Original Complaint because they are overbroad and global.
35. Defendant denies the allegations contained in paragraph 35 of Plaintiff's Original Complaint.
36. Defendant denies the allegations contained in paragraph 36 of Plaintiff's Original Complaint.
37. Defendant denies the allegations contained in paragraph 37 of Plaintiff's Original Complaint.
38. Defendant denies the allegations contained in paragraph 38 of Plaintiff's Original Complaint.
39. Defendant denies the allegations contained in paragraph 39 of Plaintiff's Original Complaint.
40. Defendant denies the allegations contained in paragraph 40 of Plaintiff's Original Complaint.
41. Defendant denies the allegations contained in paragraph 41 of Plaintiff's Original Complaint.
42. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 42 of Plaintiff's Original Complaint at this time.
43. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 43 of Plaintiff's Original Complaint at this time.
44. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 44 of Plaintiff's Original Complaint at this time.
45. Defendant denies the allegations contained in paragraph 45 of Plaintiff's Original Complaint.
46. Defendant denies Plaintiff is entitled to the relief requested in paragraph 42 (sic) following JURY TRIAL REQUESTED in Plaintiff's Original Complaint.

47. Defendant asserts that in the event she is found to be a prevailing party(ies), she is entitled to reasonable attorney's fees and costs at the discretion of the court.

II.

JURY DEMAND

48. Defendant respectfully requests a trial by jury.

III.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant ALICIA TAMEZ prays that Plaintiff take nothing from this suit, that Defendant recover her courts costs and attorneys fees associated with prosecuting this matter, and that the court grant Defendant such other and further relief to which they may be entitled to, either at law or in equity.

Signed on February 15, 2017.

Respectfully submitted,

GARCIA & OCHOA, L.L.P.

By: /s/ Ricardo A. Garcia
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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2017, pursuant to the Federal Rules of Civil Procedure, a true and correct copy of the above and foregoing document was served on each party to this action by Defendant's submission of this document to the U.S. District Court electronically to the DCECF system.

/s/ Ricardo A. Garcia
Ricardo A. Garcia